

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

AARON PARKER,)	
)	
Plaintiff,)	Case No.: 19-3203
)	
v.)	Judge: _____
)	
CURTIS HARTLEY, PATTERSON-UTI)	
DRILLING COMPANY LLC, AND ASCENT)	
RESOURCES – UTICA, LLC,)	
)	
Defendants.)	

NOTICE OF REMOVAL

TO: Clerk of the United States District Court for the Southern District of Ohio

Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, Defendants Curtis Hartley (“Hartley”), Patterson-UTI Drilling Company LLC (“Patterson”), and Ascent Resources – Utica, LLC (“Ascent”) (collectively, “Defendants”) state:

1. On or about June 24, 2019, Plaintiff Aaron Parker (“Plaintiff”) commenced an action against Defendants in Jefferson County Court of Common Pleas, Ohio, captioned *Aaron Parker v. Curtis Hartley, et al.*, Civil Action No. 19-CV-00263 (the “State Court Action”). Without admitting that Plaintiff’s Complaint states any valid causes of action, Plaintiff asserts claims of negligence against Defendants for personal injuries Plaintiff contends he suffered on a natural gas well pad in Steubenville, Jefferson County, Ohio on July 6, 2017. (Complaint, ¶¶ 10-37). A copy of Plaintiff’s Complaint is attached hereto as **Exhibit “1.”**

2. Plaintiff’s Complaint and Summons were served on Patterson and Ascent on June 26, 2019. A copy of the summons for Patterson is attached hereto as **Exhibit “2.”** A copy of the summons for Ascent is attached hereto as **Exhibit “3.”**

3. Plaintiff's Complaint and Summons were served on Hartley by certified mail on or about July 6, 2019. A copy of the summons for Hartley is attached hereto as **Exhibit "4."**

4. A copy of the Jefferson County Court of Common Pleas, Ohio docket as of July 24, 2019 for the matter removed to this Court, is attached as **Exhibit "5."**

5. This Court has original jurisdiction over the State Court Action based on diversity jurisdiction pursuant to 28 U.S.C. § 1332.

6. As readily conceded in Plaintiff's Complaint, the parties are citizens of different states. Plaintiff alleges he is a citizen of West Virginia. *Complaint* at ¶ 2. Hartley is a citizen of Pennsylvania. *Id.* ¶ 7.

7. Patterson is a citizen of Texas and Delaware. Patterson is a Texas limited liability company with its principal place of business in Houston, Texas. *Id.* ¶ 3. The sole member of Patterson is Patterson-UTI Energy, Inc. Patterson-UTI Energy, Inc. is a Delaware corporation with its principal place of business in Houston, Texas.

8. Ascent is a citizen of Oklahoma. Ascent is an Oklahoma limited liability company with its principal place of business in Oklahoma City, Oklahoma. *Complaint* at ¶ 5. None of Ascent's members are citizens of Ohio or West Virginia.

9. No other parties are named in this action. Thus, complete diversity of citizenship exists between the relevant parties. 28 U.S.C. § 1332(a).

10. Additionally, Plaintiff seeks to recover substantial damages for his claimed personal injuries, including past and future pain, suffering, sorrow, emotional distress, mental anguish and inconvenience, loss of enjoyment of life, past and future medical expenses, past and future lost income and loss of earning capacity, and attorney's fees. *Id.* at pg. 7. Prior to filing the Complaint, Plaintiff's counsel issued a settlement demand in excess of \$75,000.00 to

Defendants. Plaintiff's settlement demand is evidence of the amount in controversy. *See, e.g., Shupe v. Asplundh Tree Expert Co.*, 566 Fed. Appx. 476, 480-81 (6th Cir. 2014). Although Defendants deny that Plaintiff is entitled to recovery any such damages, Defendants believe in good faith that more than \$75,000.00 is in controversy exclusive of interest and costs as per 28 U.S.C. § 1332(a).

11. Plaintiff's claims arise from alleged events or omissions that occurred in Jefferson County, Ohio, where the State Court Action was filed. Pursuant to 28 U.S.C. §§ 115(b)(2), 1391(b)(2), and 1441(a), venue is appropriate in the United States District Court for the Southern District of Ohio, Eastern Division at Columbus.

12. This Notice is filed within thirty (30) days of Defendants Ascent's and Patterson's receipt through service of a copy of Plaintiff's Complaint on June 26, 2019, and Defendant Hartley's receipt through service of a copy of Plaintiff's Complaint on July 6, 2019.

13. Accordingly, removal of the State Court Action to this Court is proper and timely pursuant to 28 U.S.C. §§ 1441 and 1446.

14. True and correct copies of this Notice of Removal with accompanying exhibits and Notice of Removal Directed to State Court are being served upon Plaintiff and filed with the clerk of the Jefferson County, Ohio, Court of Common Pleas, in accordance with the provisions in 28 U.S.C. §1446(d).

15. This Notice of Removal has been signed by counsel for Defendants, in compliance with the requirements of 28 U.S.C. §1446(a).

WHEREFORE, Defendants Curtis Hartley, Patterson-UTI Drilling Company LLC, and Ascent Resources – Utica, LLC respectfully request that this action, now pending in the

Jefferson County, Ohio, Court of Common Pleas, Civil Action No. 19-CV-00263, be removed to this Court.

Dated: July 24, 2019

Respectfully submitted,

/s/ Rand L. McClellan

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CERTIFICATE OF SERVICE

I hereby certify that on July 24, 2019, a copy of the foregoing was electronically filed. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. I hereby also certify that on July 24, 2019, a copy of the foregoing was served by regular U.S. mail, postage pre-paid, on counsel for Plaintiff Aaron Parker at the below address:

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